

D44 MIHAEL BELITZKY

20 6 29

VAN CHEN BAN, P. CHAZELLE, WONG
NAN-PONG, SHEN, GU PAC DE MARSDA-
LIES, IVANOVSKY, HRDOZINSKY, CAPT
FIORI, COL JAO, HO CHE TSUNG,
d'HODGKIE, BARRAUD, STEVENS, GEN
CHANG HSUEN LIANG, CHIANG KAI-SHEK
R.T. BRYAN, JACOBS, MEINHARDT
ALLMAN, DSGT DVSIANNIKOFF, V.
URGINSON, A.A. USHAKOFF, ALIAS
FONGAUK, P.I. ALEXANDROFF, D.P.
RODAESTVENSKY, KYUNG YOOG KWE

U

1

44

1

(C.I.D.) Office Notes

C. I. D. REGISTRATION
No. I. Q. D. 44
File No. 6. 29
18/6/29

June 18, 1929.

Sir,

I beg to forward the attached letter
which I received on June 17.

Very nice of Mr. Wong in view
of his disappointment at the action
of the Provincial Court (no stems)
in freeing the prisoners

HR

H. Robertson

D. I.

A.D.C. I.

Belitzky

A.D.C. I.

I think this letter considering the
circumstances is a tribute to
Def. Adv. Robertson's diplomacy.

JH

Yes, Iapt. I. advised 18/6/29
much common sense & diplomacy
in this matter which I
appreciate.

19/6 A.D.C. I.

A.D.C. I. Robertson

(A.D.C. I. Robertson)

Please note

C. I. D. Reg. 20/6/29
Note
File please

Noted

A.D.C. I. 20/6/29

JH

18/6/29

黑河管轄來華監測特務處

黑河檢察司

СЛАВНОЕ

Правительственное Управление

Особого вида

Восточных преступлений

Служебное Письмо

HARBIN, June 5th, 1929.

Mr. G. ROBERTSON,

CHIEF DETECTIVE BUREAU,

BRITISH MUNICIPAL POLICE,

SHANGHAI.

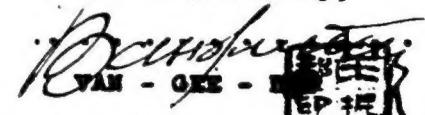
Dear Sir:-

I beg to convey my sincere thanks to you for the concurrence & assistance kindly rendered to me in connection with the arrest of MICHAEL BULLENTY.

I shall be glad to have the pleasure to be of any service to you whenever an occasion should require it.

With my greatest esteem, I beg to remain, Sir,

Yours Respectfully,


B. C. ROBERTSON
WAN - GEE - 1929
EP 37

Chief Detective Department
of Harbin

SHANGHAI MUNICIPAL POLICE
C. I. D. REGISTRY
No. I. O. D. 44
Date 3. 6. 29

THE SHANGHAI SUNDAY TIMES, JUNE 6, 1929

(From Our Own Correspondent)
Harbin, May 26.

Alleged Passport Forger
Thanks to the information supplied by the police of Shanghai, the man Belliaky who is alleged to have forged many passports in Harbin and fled to Shanghai, was traced back to this town and discovered by the local detective force on the other side of the river. The Chief of Police sent a special telegramme of thanks to the police of the French Settlement of Shanghai for the aid they gave.

R.C. (Pal)
arrest already reported
H.R. 256

a/pb.l
Information
J.W.

SHANGHAI MUNICIPAL POLICE.

REPORT

SHANGHAI MUNICIPAL POLICE

C. I. D. REGISTRY

No. I. O. D. 44

Section:

Date, 21. 5. 29

Date, May 20, 1929

Subject (in full)

Arrest of Mikhail Beliatsky in Harbin.

Made by

D. I. Robertson.

Forwarded by

H. Robertson C.I.D.

Mr. P. Chagelle of the French Police is in receipt of a telegram from the Harbin Authorities to the effect that Mikhail Beliatsky was arrested in that City on May 17. In consequence of this, Mr. Van Chen Pan, Chief of the Harbin C.I.D. left for Harbin in the "Tientsin Maru" on May 18.

H. Robertson

D. I.

A/D.C.I.

Ms.
20:5:99.

Recd.
21/5.

NEW YORK MUNICIPAL POLICE

C. I. D. REGISTRY

U. 446

12. 29

SHANGHAI MUNICIPAL POLICE.

REPORT

SHANGHAI MUNICIPAL POLICE

C. I. D. REGISTRY

No. L. O. U. 444.....

Foreign Section Station,

100, FRENCH 10. 4. 29

Date APRIL 11, 1929

Subject (in full) Arrest of Mihail Beliatsky

Made by D. I. Robertson. Forwarded by *J. H. Guiney A. C. B. R.*

Mihail Beliatsky failed to appear before the French Mixed Court on April 10, when his case was presented and his lawyer Mr. du Pac de Marsoulies hinted that he was probably kidnapped by the Chinese Authorities in order to be sent to Harbin.

Beliatsky was last seen in the company of a Russian chauffeur named Ivanovsky with whom he left his quarters at 349 Avenue Joffre at 10 a.m. on April 7.

Hroolinsky, who signed the guarantee bond for Beliatsky to appear in Court has been arrested and temporary detained by the French Police.

H. Robertson

*J. C. Interrogated
104
to be sent to
100, FRENCH*

Recd. APR 11 1929

SHANGHAI MUNICIPAL POLICE.

SHANGHAI MUNICIPAL POLICE

C. I. D. REGISTRY

Foreign Section, 44.....

I. O. Branch. 8444

Date April 9, 1948

REPORT

Subject (in full). Arrest of Mihail Beliatsky.

Made by D. I. Robertson. Forwarded by

Mihail Beliatsky again appeared before the French Mixed Court on April 6, when owing to the latter date being a holiday the case was remanded until April 10.

D. Robertson

D. S.

Mihail
8/4/29

R. Case

SHANGHAI MUNICIPAL POLICE.

REPORT

SHANGHAI MUNICIPAL POLICE

C. I. D. REGISTRY

No. L.O.D. 14

Central I.B.

Date.....

Date March 23rd 1929

Subject (in full)

Arrest of Mihail Beliatsky.

Made by D. I. Robertson.

Forwarded by

J. L. Stevens A. P. Pol

Mihail Beliatsky appeared before the French Mixed Court on remand on March 22 when the proceedings were again remanded until April 5, 1929. Beliatsky was released on personal bond, guaranteed by a Russian Hroulinsky, to appear before the Court on the day in question.

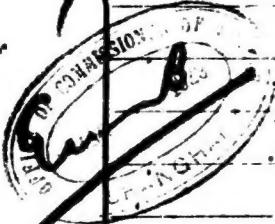
H. Robertson

D. I.

A/D.C.I.

*C.P. Information
23/3. 1929*

Recd 7



SHANGHAI MUNICIPAL POLICE.

REPORT

SHANGHAI MUNICIPAL POLICE
C. I. D. REGISTRY
No. I. O. D. b. 4
CENTRAL I. B. 1
Date March 16, 1929

Subject (in full) Arrest of Mihail Beliatsky.

Made by D. I. Robertson.

Forwarded by J. H. Robertson C. I. D. I.

Since the release of Mihail Beliatsky from the custody of the Municipal Police on March 7, Col. Jac of the Chinese Police and Mr. Van Chen Ban, Chief of the C. I. D. of the Harbin Police, interviewed Mr. Chazelle, Chief of the C. I. D. of the French Police, and asked him to arrest Mihail Beliatsky, residing at 349 Avenue Joffre. Mr. Chazelle, however, refused to have anything to with it. A few days later Col. Jac and Mr. Van Chen Ban interviewed Captain Fiori, Chief of the French Police, with a similar request and after consultation with Mr. Chazelle, Captain Fiori informed his interviewers that he could do nothing in the absence of a Warrant of arrest issued by the Provisional Court. Some few days later, the exact date is unknown, the French Mixed Court received three letters: one from Mr. Ho Che Tsung, President of the Provisional Court, No. 488 dated March, 18th Year of the Chinese Republic, requesting the arrest of Mihail Beliatsky, residing in the French Concession and asking that he be handed over to the Harbin Police in accordance with the decision of the Provisional Court reached on March 7; one from Mr. Van Chen Ban requesting the arrest of Mihail Beliatsky and charging him under Article 180 (II) (False Evidence and Malicious Accusation); and one from Mr. Wong Tseng Chung, Chief of the Chinese City Police, asking that Mihail Beliatsky be arrested and handed over to Van Chen Ban, the representative of the Harbin Police. In consequence of these letters Mr. d'Hooghe, ^{Sup. d'Hooghe} issued a written order, not a warrant, to have Beliatsky arrested and brought before the French Mixed Court. The arrest was effected on the evening of March 13.

SHANGHAI MUNICIPAL POLICE.

Station,

REPORT

Date 19

Subject (in full) _____

Made by _____

Forwarded by _____

- 2 -

and on March 15 Beliatsky appeared before the French Mixed Court. At the proceedings apparently Mr. D'Hooghe was in possession of a copy of the evidence offered in the case concerning Beliatsky in the Provisional Court and from it learned that the statement made by the President of the Provisional Court in his letter, to the effect that Beliatsky should be handed over to the Harbin Police, was erroneous in so far that the decision to hand Beliatsky over was only that of the Judge and not of the Assessor who did not concur. Mr. D'Hooghe therefore remanded the case for one week for further inquiries.

At the hearing of the case Beliatsky was defended by Mr. A. du Pac de Marsoulies, while Mr. Barraud prosecuted on behalf of the Harbin Authorities.

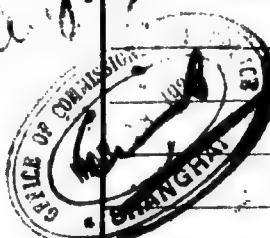
H. Robertson
D. I.

N D.C.I.

C. I. Interesting to see what happens.

16/3. 2/3.

Dr. See later.
Report: See
18/3



SHANGHAI MUNICIPAL POLICE.

SHANGHAI MUNICIPAL POLICE
C. I. D. REGISTRY
No. I. O. D. b. 4
CENTRAL, I. B. 1
Date: March 9, 1929

REPORT

Subject (in full): Interview with Mihail Beliatsky.

Made by D. S. Ovsiannikoff : Forwarded by *J. H. Guiney A. B. Pol*

From 7 to 9 p.m. on March 8, I, in company with Mr. Van Chen Ban interviewed Mihail Beliatsky at 349 Avenue Joffre, apartment No. 3.

In the course of the interview Beliatsky related to Mr. Van Chen Ban how the forgery of passports was made in Harbin mentioning the names of several persons involved and at the same time admitting his own guilt. In consequence of his frank admission Mr. Van Chen Ban asked him to go to Harbin and clear his name. Beliatsky refused, but promised to make a written statement of the affair to be delivered to General Mi Chung Lin, Chief of the Harbin Police, by Mr. Van Chen Ban. At the conclusion of the interview it was decided that Beliatsky should send a telegram to General Mi Chung Lin asking if in the event of his returning to Harbin he would be tried in Court. It was also arranged that Mr. Van Chen Ban should at the same time send a telegram to General Mi Chung Li asking him to give a guarantee that Beliatsky would not be tried in Court for the offence but if disciplinary action was necessary that he be subject to jurisdiction of General Mi Chung Lin in his capacity as Chief of Police.

V. Ovsiannikoff

D. S.

H.R.
9/3/29
Guiney
A.D.C.I.

MAR 9 - 1929

Do. Information !
AC

AC (Pol)
Surely he can now pose his
case & get evidence & warrant for
the arrest of the men in proper manner
AC

SHANGHAI MUNICIPAL POLICE.

REPORT

SHANGHAI MUNICIPAL POLICE
C. I. D. REGISTRY
No. 10. D. H. H.
CENTRAL T. H. S.
Date.....
Date March 8, 1929

Subject (in full) Application by Harbin Authorities for the handing over
of Michael Beliatsky.

Made by D. S. Duncan Forwarded by J. W. Stevens A. B. (Pol)

Michael Beliatsky, wanted by the Harbin Authorities, again appeared before the Provisional Court on March 7, 1929 when the following charges were preferred against him:-

(1) For that he at Harbin in February 1929, being a public officer, did suppress and abandon certain documents which had been taken into official custody by him Contrary to Article 144 of the C.C.R.C.

Further charged.

(2) For that he at the same time and place did fraudulently alter a passport to wit passport No. 23641 Contrary to Article 229 of the C.C.R.C.

Further charged.

(3) For that he at the same time and place did counterfeit certain seals to wit the seals of the Harbin Authorities Contrary to Article 234 of the C.C.R.C.

After Mr. Van Chen Ban had produced the forged document and given evidence in connection with same the Senior Consul Deputy, Mr. Stevens, stated that a *prima-facie* case of guilt had not been established and that the prisoner should be released from custody. The following endorsements were made by him on the Charge Sheet:-

*28/2/29

If a proper despatch warrant is not received from the Harbin Authorities by March 7th accused should be released. Remand until March 7th."

7. 3. 29

In order that subversive influence from without may not undermine the traditional political neutrality of this Settlement, which has long secured a proper measure

SHANGHAI MUNICIPAL POLICE.

Station, _____

REPORT

Date _____

19

Subject (in full) _____

Made by _____ Forwarded by _____

- 2 -

of protection to all law abiding inhabitants, regardless of their political creed or party affiliation, it has become the established practice of this Court in the absence of any agreement on the subject between the higher authorities, to grant an application for extradition only after the extra Settlement Authorities requesting the surrender have applied for it with a despatch warrant in proper form and bearing the seal of a responsible official. This warrant must identify the person wanted and charge him with a recognized offence against the laws of China beyond the jurisdiction of this Court, and be accompanied by sufficient evidence to establish a *prima facie* case of guilt. When this accused was before the Court on February 16 and 19 respectively these requirements had not been complied with. The case was remanded twice to give the Harbin Authorities a reasonable time in which to file a proper dispatch warrant and prefer a recognized charge. A recognized charge has not been preferred by the Harbin Authorities nor is the evidence submitted sufficient to constitute a *prima facie* case of guilt. The prisoner should be released from custody*.

As at the previous hearing the Judge maintained that the prisoner should be handed over to the Harbin Authorities.

Beliatsky was returned to Amoy Road Gaol from where he was released at 12.40 p.m. same day 7/3/29 by instructions of the D.G.P.

In the course of a visit to this office during the afternoon of 7/3/29 Mr. Van Chen Ban expressed surprise that Beliatsky had been released as General Chang Hsueh Liang had sent a telegram to President Chiang Kai Shek requesting

SHANGHAI MUNICIPAL POLICE.

Station.

REPORT

Date 19

Subject (in full) _____

Made by _____

Forwarded by _____

- 3 -

that he be not released. Mr. Van Chen Ban further stated that he would interview the President of the Provisional Court to-day, March 8, in connection with the matter.

D. S. Ovianoff

D. S.

A/ D.C.I.

MR. 8/59

A

D. S. Ovianoff is interviewing Belitsky this afternoon but has not yet returned.

MR. 8/59

A/D.C.I.

Information and favor
of return please.

GBJ

8/3/59

Thank you &
9/3. 1959

A/D.C.I.

Reference "A", report of interview
to be sent.

GBJ
9/3/59.

Translation of a letter from Kee Tsung Ling,
Police Controlling Department of the Special Area,
Eastern Provinces to Mr. Peck.

I am unable to meet you in person as you are staying in the South. Learning from the reports made by Chief Wong on his return, I feel much grateful to you and wish to thank you for your valuable assistance rendered and the trouble you thus taken in the enquiry and arrest of one Bilasky (畢拉基), Russian absconded from office. In consequence thereto the guilty person is unable to conceal or abscond.

Signed and chopped by Kee Tsung Ling.

Peck
Kee Tsung Ling
1913

上海公共租界工部局華務處總稽查處

周克先生台啟

東省特別區警察管理處

貝克先生執事今馳南朔未持
光樣以次遞負俄人別拉司基
潛匿滬上派員偵辦頃由王局
長函來稟告知蒙

竭力幫忙使罪人去可避匿謀
心神莫名感佩尚以嗚訝故不

看經

常
春
年
拜
磬



HARBIN EXTRADITION CASE

Mr. Stevens, Harbin Police Provisional Court Judge and Deputy in Alleged Passport Forgery Charge

ACCUSED'S WILLINGNESS TO RETURN NORTH

In a second protest in the same case, Senior Counsel's Deputy, Mr. H. T. Stevens, again took issue with Judge Shan yesterday at the Provisional Court in the case of Michael Bolitsky on a charge of forging passports at Harbin, where the accused was employed and the case yesterday reached a deadlock when the Deputy ordered the man to be freed and the Judge ordered his extradition to the northern city to stand trial.

The specific charge against the man reads, "For that he at Harbin in February, 1929, being a public officer, did suppress, and appropriate certain documents which had been taken into official custody by him." Later came the additional charge, "For that he at the same time and place did counterfeiting certain seals, to wit, the seals of the Harbin authorities."

At the original hearing, it was brought out by the Police Prosecutor, Mr. H. T. Bryant, that the accused was arrested in the Settlement following the receipt of a telegram from Harbin, asking for his detention.

Confession Denied

D. S. Duncan testified that, when the accused was brought to the local police headquarters, he confessed to passport forgeries but when asked the truth of this by the Judge, Bolitsky indignantly denied it.

Two days later a Harbin police official arrived here with a passport for the release of the man to Harbin, but not a proper dispatch warrant. The official testified that the accused had been guilty of certain passport irregularities and when asked to explain to his superiors, he abandoned and fled to Shanghai. The accused said he came here to take back some relatives and professed ignorance as to the passport matter.

Mr. Stevens then asked what the accused had done and was told that sending the man over to the accused of enough time to Harbin, the Harbin authorities could place no definite charge against him, he was held over to the evidence. The Deputy then said that the Court had no power to extradite a man unless specific proof was presented as to his guilt and as this was not forthcoming in the present instance, the Deputy was against the extradition. In testimony, the Harbin official said, "We cannot touch his office. If we were to break open the office the accused would say that we had interfered with the

papers and we would lose all our evidence."

The Deputy could not see the matter in quite this light and asked how the officials knew the man was guilty if they had not opened his office and gone through his documents?

The reply was that the passports from Harbin came in three parts, two of them bearing photographs of the persons to whom they are issued and that one of these was detained at the office of the accused. An instance was quoted in which a man had a passport and when the authorities looked up his file in Bolitsky's office they found a different photograph. The man in question is alleged to have said he paid \$80 for "the accommodation."

The Deputy's Refusal

Here the accused made a different story of his difficulties and stated that he loaned the keys of his desk to another man and that the newcomer was guilty of the forgeries. However the accused felt he was thus responsible and asked to be returned to Harbin to stand trial. The Deputy became suspicious and asked if "anyone suggested to you that you plead guilty and ask to be returned to Harbin to stand trial?" but got no decisive answer.

The Deputy then refused to permit him to be handed over until a prima facie case had been made out against him.

The accused then "confessed" to the crime and when asked by Mr. Stevens, "What crime?" said, "My crime is that I left Harbin without handing over my business and keys. I left the keys at home with my wife."

The Police Prosecutor then took a stand and said he would charge the accused under Article 144 of the Criminal Code regarding a public officer suppressing or abandoning public documents, but still the Deputy was reluctant.

"That does not make out a prima facie case," he said. "The confession of a crime by a person does not necessarily make him guilty. He is guilty of leaving but leaving his keys with his wife."

The accused then expressed his willingness to return to Harbin whether in police custody or free and the Judge ordered him to be handed over. Mr. Stevens ordered the man to be freed "at the end of 14 days unless a prima facie case can be made out against him" and wrote such an order into the records.

SHANGHAI MUNICIPAL POLICE.

CRIMINAL INVESTIGATION DEPARTMENT

X

File No.

Reference Slip from D.C.I's. Office.

TO:	INSTRUCTIONS:
A. C. (Crime)	For disposal
A. C. (Pol.)	Furnish data
Prosec. Solicitor	Investigate and report
Supt. "A"	Note and file
" " B"	Note and return
" Hdqrs.	Report present status
C. I. D. Reg.	Submit recommendation
Arms Section	For further report
<i>for Sec:</i>	For opinion
	Reply to writer direct
	See me in re:
	Attach File
<i>what happened. 9</i>	
Initials <i>CKA</i>	For File
Date <i>8-3-29</i>	Date
Noted and Returned	
Date <i>1-1</i>	

THIS SLIP MUST NOT BE DETACHED.



Shanghai Municipal Council, D.M.

SHANGHAI MUNICIPAL POLICE
C. I. D. REGISTRY

Date 21.2.1929

PROSECUTING SOLICITOR'S OFFICE

Shanghai, February 21, 1929.

Acting Director of Criminal Investigation,

Re Release of Prisoner from Custody

With reference to this matter, I have interviewed Mr. Stevens, and I attach hereto a memorandum made in his own handwriting. I am inclined to agree with Mr. Stevens that the plan proposed would in effect amount to extradition.

Mr. Belitsky was released The record in the case has been presented by Mr. Stevens from ~~Grad~~ to Mr. Jacobs, Mr. Meinhardt and Mr. Cunningham. I am attaching hereto copy of memorandum made by them, in which they state that they concur with Mr. Stevens.

It is true that no proper dispatch warrant has been issued, and I suggest that the only legal way in which the accused may be extradited is for the Harbin Authorities to telegraph for further evidence and a proper dispatch warrant.

R. J. Phryce, Jr.
Prosecuting Solicitor.

R.T.B.
I

2 P.M. I

S.f. day before time

*T.S. is applying for expenses or when document a justice remains in any case removed from Harbin this case to enable ~~and the~~ *2/2* *day* to be sent down from Harbin*

25/2/29.

the manner of releasing
a prisoner from custody was a
matter for police administration
and legal
advice for the prospect
which the police were re-
ponsible. He further
stated that it appeared to
him that forcing this man
to buy a ticket and placing
him on board a ship in
the Settlement where in effect
he would be ~~under~~
~~and~~ ^{under} the Harbin
authorities might be inter-
preted as — illegal extradition.

MEMORANDUM
AMERICAN CONSULAR SERVICE
SHANGHAI

Dated February 20, 1929.

All memos must be
initiated and dated.

Margin to be left
blank.

Attached referred to. . . O
for information, comments, explanation

Stevens asked my opinion on
this and I agree with him that
extradition should not be grant-
ed until

- (1) a despatch warrant from
the Harbin authorities has
been presented, and
- (2) some further proof of a
crime be presented.

JEJ

Concur

ESG

2-21.

I concur too but with a pro-
per despatch warrant and a
proper charge, probably little
further evidence will be
required.

CDM

DEPUTY
COMMISSIONER
AND
DIRECTOR OF
CRIMINAL
INVESTIGATION
Telephone - C. No.

C.I.D. HEADQUARTERS,
ADMINISTRATION BUILDING.

20.2. 1929.

P.S. Please let me have your views first. It would appear that the Dept. decision does not stop us from releasing him if he deserves to go if we are satisfied he does do so?

20/2

Enclosed
Spec.

Memorandum.

POLICE FORCE.
MUNICIPAL COUNCIL.

Shanghai

FEB 27 1929 192

To _____

SCJ

be arranged, have the
accused interviewed. If
he is prepared to return
to Harbin get him to
confer in writing. He
can then be released on
boarding the ship. Let
Wong know we propose
doing this & if accused
is agreeable, he (Wong)
can inform Mr. Stein.

Dugay.

Extract from Shanghai Provisional Court Register for Tuesday, 19th Feb. 1929.

Register No. 2/79001 Station Central Deputy Mr. Stevens Judge Mr. Shen.

Further Charge

Page No. 2.

For that he at Harbin in February 1929, being a public officer, did suppress and abandon certain documents which had been taken into official custody by him. Contrary to Article 144 of the C.C.R.C.

Proceedings

Mr. Bryan appeared for the Police.

Mr. Bryan:- This accused was before the Court on the 16th inst., and remanded in custody to give the Harbin Authorities time to arrive in Shanghai. Mr. Wong is in Court this morning as the representative of the Harbin Police and has brought with him a passport but not a proper despatch.

Witness (Wong Ching Paung):- I am an Inspector in the Harbin Police. I know the accused. He is employed by the Police in our passport office. He made mistakes in the passports and I asked him to come to my office for enquiries but he absconded. I telegraphed from Darien to Shanghai to have him detained. I have come here specially to take him back.

Deputy:- Interpret to the accused all that has been said. (This was done).

Deputy to witness:- What actual offence against the Law has this accused committed?

Witness:- At present the most important thing is that he hand over all the documents he was put in charge of. We cannot frame a definite charge until we have examined these documents. At present we do not charge him with theft.

Deputy:- This Court cannot extradite a person from this Settlement unless he has committed an offence against the Laws of China.

Witness:- I found out that he had forged documents and embezzled money.

Deputy:- Forged what documents?

Witness:- He forged passports.

Deputy:- Have you any evidence to support this charge?

Witness:- The evidence is in Harbin. I have no evidence with me.

Extract from Shanghai Provisional Court Register for

192

Register No.

Station

Deputy Mr.

Judge Mr.

Case No. 2/79001.

Page No. 3.

Deputy to witness:- You say that the accused is in possession of certain things he should have turned over to the Harbin Authorities. What are they?

Witness:- This man was in charge of the passport office of the Harbin Police for 9 years and he has to hand over the passports that he has issued during these 9 years.

Deputy:- How can he hand over passports that he has issued to other people?

Witness:- We do not know how many passports he has not issued. He locked up the drawers and we have not opened them.

Deputy:- Why do you suspect that he is in possession of these passports?

Witness:- He was specially in charge of the passports and he has forms that have not been filled in and also those passports that have been issued, then returned and cancelled. All these papers are in the office he was in charge of in Harbin. The accused must go to Harbin to hand over these papers.

Deputy:- Who is in charge of this office now?

Witness:- We are in charge of it at present.

Deputy:- How can the accused stop you going and getting these documents?

Witness:- We cannot touch this office. He has the keys. If we were to break open the office the accused could say that we had interfered with the papers and thus we would lose all our evidence.

Deputy:- You say that certain passports are missing. How do you know these are missing if you have not opened the office?

Witness:- These passports are in three parts and two of them bear photographs of the person to whom it is issued. One of the portions with the photograph on is detained by the passport office. We had a case in which a man had a passport and when we looked up the corresponding number in our files we found that the photographs

Extract from Shanghai Provisional Court Register for

192

Register No.	Station	Deputy Mr.	Judge Mr.
		<u>Case No. 2/79001.</u>	<u>Page No. 4.</u>

were not the same. We asked the man how he came to be in possession of the passport and he told us that he paid \$80.00 for it. We want to find out how many times this has been done.

Accused:- I am not in charge of the passport department but am in charge of archives. The passports are in three portions and one is given to the man to whom the passport is issued. I did not sell the passport for \$80.00. This was done by another man. I am guilty in this case and I ask to be sent back to Harbin. I wanted to send a letter to the Chief of Police in Harbin and explain every-thing. I was afraid to be arrested in Harbin.

Deputy to accused:- What offence are you guilty of?

Accused:- I am to blame as I have the keys of the drawers and I let another man have them. When this was discovered I was afraid and ran away to Shanghai.

Deputy:- This is no crime against the law of China. Did you embezzle any money or did you make away with documents from the Harbin passport office?

Accused:- I am responsible for all the books and passports kept in this office and because another man forged a passport I am responsible. The man who did this took the bribe and I am therefore involved in this case.

Deputy:- Did anyone suggest to you that you plead guilty and ask to be returned to Harbin to stand trial?

Accused:- I know that I will have to return to Harbin as I did not hand over all my files. There is a room containing about 30,000 files and I have to hand over these.

Deputy:- Did you make away with or appropriate to your own use any of these documents?

Accused:- I did not. I wish to return these to the Chief of Police so as to find out who is guilty.

Deputy:- Is that the only reason for your pleading guilty to an offense against the Laws of China? This man should not be

Extract from Shanghai Provisional Court Register for

192

Register No.	Station	Deputy Mr.	Judge Mr.
		<u>Case No. 2/79001.</u>	<u>Page No. 5.</u>
		handed over unless he has committed a crime against the Laws of China and a prima facie case made out against him.	
		Accused:- I confess to this crime.	
		Mr. Bryan:- What crime are you confessing to?	
		Accused:- My crime is that I left Harbin without handing over by business and keys. I did not take a bribe. I did not misappropriate any money or documents. I left my keys in my home with my wife. They are the only keys that open my office.	
		Mr. Bryan:- You misappropriated the keys, in other words you misappropriated the documents.	
		Accused:- I am willing to go to back to Harbin with the detectives. I want go back.	
		Mr. Bryan:- Why do you want to go back?	
		Accused:- Why should I be detained in prison here when I can go back to Harbin and explain all the circumstances to the Chief of Police and probably be only dismissed from my position.	
		Mr. Bryan:- I call the Court's attention to Article No. 144 of the Criminal Code regarding a public officer suppressing or abandoning public documents.	
		Deputy:- What are you charging the accused with?	
		Mr. Bryan:- I intend to charge him under this Article No. 144. He admitted having the keys and leaving them with his wife. That along makes out a prima facie case and in fact is enough to convict him.	
		Deputy:- It does not make out a prima facie case. You as a lawyer should know that the confession of a crime by a person does not necessarily prove him guilty. He is guilty of nothing except leaving his keys with his wife.	
		Mr. Bryan:- Here is a man that wants to get back and clear his name. I as a lawyer know that if a man pleads guilty of his own free will a Court will not go behind such a statement.	
		Deputy:- This man has been left undefended by Counsel to which he is entitled by law. Moreover he wants to go back but	

Extract from Shanghai Provisional Court Register for

192

Register No. _____ Station _____ Deputy Mr. _____ Judge Mr. _____

Case No. 2/79001. Page No. 6.

is detained here in prison by the Police.

Accused in reply to the Judge:- Two days before I left I found out that ~~et~~ her documents had been forged. I did not report the matter because there was a six days Chinese holiday and I might have been arrested before I could have explained things. Consequently I ran away to Shanghai and intended to write a full explanation to the Chief of Police in Harbin. I did not conspire with the other men but I am responsible for the files and when I found out that something was wrong I ran away to Shanghai. There is no money that I have not handed over. No money passes through my hands. I am willing to go back to Harbin.

Deputy to accused:- Do you know that if you are released by the Police here you can go back to Harbin of your own free will?

Accused:- If I was released to-day I would return to Harbin to-day. (In reply to the Judge) I do not care whether I go with Mr. Wong or by myself.

Judge:- My opinion ~~with~~ of this case is that if there is a suspicion of crime the accused may be extradited. If this Court extradites accused from other countries it does not always mean that the Court will sentence them, likewise if we extradite this accused to Harbin, ^{and} if the Harbin Court does not find him guilty they will not sentence him. I order that he be handed over.

Deputy:- He is to be released by the Police within 14 days from date of arrest.

Mr. Bryan to the Deputy:- I would like to know what your Honour would consider a prima facie case? I consider that I have proved one today.

Deputy:- The proving of a prima facie case depends upon the circumstances and evidence brought before the Court.

Mr. Bryan:- If the Court makes this order I wish to make a charge under article No. 144 and then if Your Honour ~~will~~ ~~will~~ agree to the extradition I do not know what I can do.

Extract from Shanghai Provisional Court Register for

192

Register No. _____ Station _____ Deputy Mr. _____ Judge Mr. _____

Case No. 2/79091.

Page No. 7.

Deputy to Mr. Bryan:- Why do you put this charge on the sheet?

Mr. Bryan:- Because you say that a prima facie case has not been proved and that you must have evidence.

Deputy:- Produce your evidence. Mr. Bryan, I have already told you that the evidence before the Court today is insufficient to establish a prima facie case. If you receive further evidence during the next few days you can bring the case up again.

Mr. Bryan:- It is impossible to produce further evidence.

Deputy:- Then the man must be released within 14 days from date of arrest.

Mr. Bryan to Deputy:- Will you consider having the case put before another Deputy or can we appeal? I submit that this cannot be final. I say most respectfully that you are entitled to your opinion that a prima facie case has not been established but I most respectfully suggest that you are wrong and that a prima facie has been made out. If another Deputy or the Appeal Court agree with you then I have no more to say. I have now proved a charge and I most respectfully ask you to reconsider your decision that a prima facie case has not been made out.

Deputy:- I have already given my decision and it cannot be altered.

Decision

Indemnity by the Judge.

To be handed over to Director Wong Tsong Peung to bring him back.

Indemnity by the Deputy.

Given and whilst this accused is charged with an offence against the law of China and a prima facie case of guilt is established against him in this Court he should not be turned over to the custody of the Harbin Authority. He should be released from custody within 14 days of arrest unless he is so charged.

L. R. Deputy.

S. D.
Extract from Shanghai Provisional Court Register for Monday Feb. 6th 1928

Register No. 2/78,300 Station Central Deputy Mr. W. G. Bryan Judge Mr. W. G. Bryan

Accused

Alexandrovich Ushakov, alias A. A. Ferguson.
aged 28. Russian. Chauffeur.

Charge

Arrested on Ferguson:-

That this he being concerned together with
another person at present not in custody did obtain
from the complainant by fraud, the sum of Ten 16,000 in
October 1927 at Harbin.

Complaint Art 366 of the C.C.R.C.

Complaint- National City Bank (America)

Proceedings

Mr. Bryan appeared for the Police.

Mr. Allman appeared for the complainant.

Mr. Bryan:- The accused in this case was arrested on a
warrant issued at the instance of the National City Bank, who are
represented by private Counsel.

D. S. Ovsiamnikoff:- I arrested the accused on a warrant
issued by this Court. The accused made no statement except
that he knew nothing about this case. This telegram (produced)
was sent from Harbin to the Police at 2 p.m. on the 2nd inst.

Mr. Allman:- The bank received information from Harbin
that a man named V. Urginzen had defrauded the bank of Ten 16,000,
and the Police have information directly that this accused is also
concerned in this forgery, and with the Court's permission I will
read out a telegram received from Harbin (read out). There is
also a warrant issued for the arrest of V. Urginzen, but he has
already left Shanghai. I ask the Court to question this accused
as to his right name and that he be detained pending the arrival
of a Police escort from Harbin. The Police here have already
telegraphed for this escort. The charge is of forging cheques
on the National City Bank at Harbin. The Police at Harbin wish
his extradition to Harbin and we have no objection. We are not
prepared this morning to make out a prima facie case as we have
not the necessary documents from Harbin, but this will be done at
a later date.

Accused:- My name is A. Ushakov, and I reside at No 16 Lai-
men. I am a chauffeur by profession, but at present I am
unemployed. I am in no way connected with this forgery.

Extract from Shanghai Provisional Court Register for 192

Register No. _____ Station _____ Deputy Mr. _____ Judge Mr. _____

Sam. J. A. / 1920. / Sam. J. A.

I was six years in my employment at Martin and had a very good reputation. I left Martin about 4 months ago and arrived in Shanghai 3½ months ago. I came direct to Shanghai, except for the short time that I waited for a train at Hankow. I came to Shanghai to get a better job and to improve my English. I pay \$25 a month for the room where I live, this includes my board.

Mr. Bryan:- I ask that this accused be detained in Amy Road Gaol as the station have not the facilities.

"Defendant may be detained for two weeks pending the arrival of evidence etc, from Martin. If at the expiration of that period no evidence is forthcoming he will be released."

(Defendant may be detained at Amy Road Gaol.)

Decision

G.E.T.

Extract from Shanghai Provisional Court Register for Thursday, Feb 28th 1925

Register No. 1/79,001

Station Central

Deputy Mr. Stevens

Judge Mr. Bryan

Proceedings.

Answer to Mr. Bryan.

Mr. Bryan appeared for the Police.

Mr. Bryan to Deputy Mr. Stevens:- According to the telegram received the representative from the Harbin Authorities will be back by March 7th. If the Court adjourns the case it will give the Harbin Authorities time to prove the case.

Answered to the Judge:- I have already been detained 14 days and there has not been any proper charge preferred against me.

Judge to Mr. Bryan:- I will summed this case and the accused to be still detained in custody, pending the arrival of the Harbin Authorities.

Decision

Indorsement by the Judge.

Since Director Wong Teung Fung has already returned to Harbin, the accused is to remain in custody for the time being and to be handed over to Director Wong upon his arrival in Shanghai again.

Indorsement by the Deputy.

If a proper Despatch Warrant is not received from the Harbin Authorities by March 7th, the accused should be released.

Answered until March 7th, 1925.

A.V. Stevens.

MEMORANDUM.

FROM THE PROSECUTING SOLICITOR'S OFFICE,
CHONGMING MUNICIPAL COUNCIL.

To

D. T. J.

Shanghai

March 6 1929

Tai,

I forward herewith for information
a resume of the evidence now available
against Michael Beliatchy, &
translation of the documents brought from
Harbin to support the application for
extradition.

Radford,
A. Supt.

Resume of evidence etc. to be produced against Michael
Beliotsky on March 7th.

Chief Detective Inspector Waung Tsung Paung has returned from Harbin and produces the following documents and evidence.

- (1) A despatch addressed from the Special Area of Three Eastern Provinces to the Provisional Court requesting that Beliotsky be sent to Harbin for trial. (Despatch and translation attached herewith)
- (2) A report of an investigation conducted by a specially appointed committee of six who have examined the archives formerly under the control of Beliotsky. (Report and translations attached)
- (3) C.D.I. Waung will produce a folio containing passports and show the Court that on the 7th day of the 10th moon on the 16th year of the Republic, passport No. 23641 was issued to Demetri Petrovich Rojdestvensky. This passport signed by Kyung Yoong Kwe, (金英桂) Chief of Police, was valid for one year. On expiry, the passport was returned to Police Headquarters by Rojdestvensky and he was issued with passport No. 22945. Passport No. 23641, as a time-expired document passed automatically into the hands of Beliotsky for filing purposes.

In consequence of suspicion aroused, enquiries were made re. passport No. 3443 in the possession of one Peter Ivanovich Alexandrov issued on the 8th day of the 2nd moon, 1929. It was known that Alexandrov had previously failed to obtain the necessary guarantors, hence the enquiry which showed that passport No. 23641, (issued to Rojdestvensky - see para. 1) was, at this later date, filed in the archives bearing a photograph

of Alexandrov. The written details as to birth, etc also referred to Alexandrov in the Russian language, but the particulars as related in Chinese referred to Rojdestvensky. Subsequently, Alexandrov admitted that he paid Beliotsky \$80.00 in order to obtain a passport. Beliotsky is therefore alleged to have forged and altered the particulars on the time-expired passport and substituted the photograph of Alexandrov for that of Rojdestvensky.

Alexandrov and a Chinese employee are detained in Harbin in connection with this forgery.

Several forged chops as described in the report of the investigating committee, were found in the desk used by Beliotsky and C.D.I. Waung will testify to this effect.

As no charge is embodied in the despatch, Beliotsky will appear on the original charge framed under Article 144 of the C.C.R.C.

DISPATCH FROM POLICE HEADQUARTERS OF SPECIAL AREA OF
EASTERN PROVINCES TO PROVISIONAL COURT.

We beg respectfully to inform you that Waung Tsung Paung, our Chief Detective Officer has returned from Shanghai to Harbin and reported that our deserted employee Bilinsky alias Nibalilsky is under arrest and in your custody, and that a *prima facie* case must be established before he will be handed over and taken to Harbin.

We are forwarding you herewith all the necessary exhibits in the case against this prisoner. Please acknowledge, ^{receipt} or same. After trial, please hand the said prisoner Bilinsky alias Nibalilsky over to Waung Tsung Paung, our Chief Detective Officer together with the above mentioned exhibits and transfer to Harbin for trial.

Shanghai Provisional Court.

SUMMARY OF EXHIBITS.

- 1 book of counterfoils of 100 Resident passports embodied with 105 documents.
- 1 book of counterfoils of Temporary Resident passports vised. 100 handed in and 100 vised. Embodied with 285 documents.
- 1 Temporary Resident passport No. 3443
- 1 " " " No. 98
- 1 Forged round chop in Russian and Chinese characters.
- 1 blue ink block
- 1 forged brass chop of Director Tuan
- 1 small parcel of red ink blocks
- 1 forged tin round chop
- 1 Book of 100 counterfoils of Resident passports embodied with 105 documents.
- 1 Resident passport No. 22,943

March 1929.

(Chop) Police Headquarters of Special Area of Eastern Provinces.

The undersigned hereby submit the results of their investigations. They were instructed to examine the records and books kept in the Passport Department of this Headquarters. In obedience to the instruction, the work was started on February 18, 1929. At 2 p.m. today, the undersigned minutely checked the number of counterfeits of the various passports issued in past years, and they found one new round rubber stamp bearing Chinese and Russian characters; one box of blue ink block; one brass personal seal of the former head of this Department Mr Tuan; a small parcel of red ink pads. They further found a round tin seal bearing the characters "examined by the Harbin Bureau of Passport Examination for the Special District of the Eastern Provinces". They hereby forward the same for your inspection.

Attached.

One new round rubber stamp bearing Chinese and Russian characters. On the top it was inscribed "Decided." In the middle "February 8, 1929," in arabic numerals; at the bottom, the inscription is in the Russian language.

One blue ink block

One brass personal seal bearing "Tuan Hong Ping seal"

One small parcel of red ink pads

One round tin seal bearing the characters "examined by the Harbin Bureau of Passport Examination for the Special District of the Eastern Provinces."

Dated 19th day of February, 1929.

Signed and sealed by six persons.

SHANGHAI MUNICIPAL POLICE.

I.O. Foreign Section Station.

REPORT

Date March 6, 1929

Subject (in full) Arrest of Mihail Beliatsky

Made by D.I. Robertson.

Forwarded by

J. G. Evans A.B. (Pole)

Mr. Van Chen San, D.C.I. of the Harbin C.I.D. arrived here on March 4, in the "Sairen Maru" and brought with him a Despatch Warrant, from the Harbin Authorities, for the arrest of Mihail Beliatsky, a document containing the result of a Commission appointed by the Chief of the Harbin Police to enquire into the Passport Files which were under the control of Beliatsky, several Passport Files which incriminate Beliatsky and a passport which was fraudulently obtained with the assistance of Beliatsky and sold for £30.00 to a Russian named Alexandroff in Harbin.

On the afternoon of February 5, Mr. Van Chen San interviewed Atg. Supt. Yorke to whom he gave all documents with the exception of the Passport Files and as the result of a subsequent conversation with Mr. Bryan it was decided to charge Beliatsky under Article 144 of the C.C.R.C. when he appears before the Provisional Court on March 7. The latter is the original charge framed against Beliatsky when he appeared at court on February 19.

H. Robertson
D.I.

Translation from Russian.

Teleg r a m.

Harbin, February 28, 1929.

I leave to-day with incriminating evidence on Belitsky's case.

(signed) Wang Gi Ban

Chief of the Criminal Department.

bca

Translation from Russian.

Teleg r a m.

Harbin, February 28, 1929.

I leave to-day with incriminating evidence on Belitsky's case.

(signed) Wang Gi Ban

Chief of the Criminal Department.

來報紙
RECEIVING

中國電報局

本局號數
JOURNAL NO.

THE CHINESE TELEGRAPH ADMINISTRATION

局
OFFICE

由 From	1 9	附註 REMARKS	交 To	18
時間 Time	9	時刻 Time	18	分 M
簽名 By	YUEN.	簽名 By		分 M
原電號數 TELEGRAM NO.	081002 3807 等第 158	字數 WORDS		
發報局 Office from	HARBIN	CLASS	23	點 H
		日期 Date	30	分 M

MUNICIPAL POLICE INSPEKTOR ROBERTSON

SHANGHAI

SEGOONIA LICHNO VUEZGAIU OBYVINITELNUMI DANNUMI
BELIZKABO NACHALMIK SUSKHOBO OTDELENIA VANGIBAN

NOTICE

No delivery fee will be collected on telegrams delivered at any point within the undermentioned limits:

EAST—To the west end of the Woosung Military Road (Chungkung Road).

SOUTH—To Kiangnan-Arsenal and Lunghwa.

WEST—To Hungjao Road, Siccawei & Jesfield Road.

NORTH—To the Tientungan Temple.

Telegrams delivered to Wharfs, Factories and Godowns etc. on the Poo-tung side of the River and to Warships and steamers anchored in the river, boat hire will be collected from the addressee.

凡電信發送至浦東之碼頭碼棧以及停泊浦江
中之軍艦或商船則輪船發送由收報人照付

在下列區域內不收專力費

東至軍工路西端

南至高昌廟及龍華

西至虹橋徐家匯司徒而路

北至玉天通巷

此外照章收取專力費

CHINESE TELEGRAPH ADMINISTRATION
FOR ALL TELEGRAPH STATIONS IN THE WORLD.

STATION.

—REMARKS—

Sent to

Time

By

By

TELEGRAM NO.

Class

Words

From

Date

Time

H

M

in

NOTHING TO BE WRITTEN ABOVE THIS.

VALUABLES	23	POLITICAL	MAN
-----------	----	-----------	-----

DO	BELITSKY	OLIGARCHY	DO
----	----------	-----------	----

DO	7	DO	DO
----	---	----	----

VALUABLES	DO	DO	7
-----------	----	----	---

POLITICAL	SHANGHAI	DO	7
-----------	----------	----	---

DO	DO	DO	DO
----	----	----	----

DO	DO	DO	DO
----	----	----	----

DO	DO	DO	DO
----	----	----	----

DO	DO	DO	DO
----	----	----	----

DO	DO	DO	DO
----	----	----	----

DO	DO	DO	DO
----	----	----	----

DO	DO	DO	DO
----	----	----	----

DO	DO	DO	DO
----	----	----	----

DO	DO	DO	DO
----	----	----	----

DO	DO	DO	DO
----	----	----	----

DO	DO	DO	DO
----	----	----	----

For your information, attention is called to the fact that the Chinese Government has issued a decree that all foreign telegrams must be forwarded through the Chinese Telegraph Administration.

Translations—

BELITSKY CASE REMANDED UNTIL MARCH 7 BRING EVIDENCE OF

OFFENCE NOT LATER THAN 7 POLICE SHANGHAI.

I request that the above Telegram may be forwarded according to the rules of the International Telegraph Convention, and according to the Administration's Conditions printed on the back thereof, by which I agree to abide by the terms of my order..... Address..... Date.....

N.B.—You are requested before signing to READ THE CONDITION of the Contract on back

SHANGHAI MUNICIPAL POLICE
C. I. D. REGISTRY
No. I. O. D.
Date File No.

(D.) Office Notes

February 25, 1929.

Charge

Arrest of Mihail Beliatsky.

Before leaving Shanghai for Harbin in the S.S. "Sakaki Maru" on February 23, Mr. Van Chen Ban stated to D.S. Ovsiannikoff that he was anxious to have Mihail Beliatsky brought to Harbin for trial, and as soon as he arrived at his destination would dispatch an officer to Shanghai with the documents necessary to prove Beliatsky's guilt.

Mr. Van Chen Ban expressed regret that he had been unable to interview the A/D.C.I. on February 23, and requested that if the officer did not arrive in Shanghai in time to appear in Court on March 8, the date on which Beliatsky is due to appear, that the Municipal Police ask that the case be further remanded pending the officer's arrival.

A. Robertson

D. I.

D.C.I.

25:2:21

SCA
27/2

to note
25/2 2028

Noted A.D.

Feb. 26, 1929

(C.I.D.) Office Notes

SHANGHAI MUNICIPAL POLICE
C. I. D. REGISTRY
No. 1124
Date 20. 2. 1929

February 19, 1929.

With reference to attached, Mihail Beliatsky appeared before Judge Shen and Deputy Stevens at the Provisional Court to-day, February 19, when Mr. Van Chen Ban, Chief of the C. I. D. in Harbin gave evidence to the effect that certain falsifications of passports had been discovered and that Beliatsky was suspected of being implicated. He could not, however, produce direct evidence and Deputy Stevens endorsed the Charge Sheet as follows: - "Unless and until accused is charged with an offence against the laws of China and a prima facie case of guilt is established against him in this Court he should not be turned over to the custody of the Harbin Authorities. He should be released from custody within 14 days of arrest unless he is so charged". Judge Shen disagreed with Deputy Stevens' verdict and endorsed the Chinese Charge Sheet to the effect that Beliatsky should be handed over to Mr. Van Chen Ban. At this stage of the proceedings Mr. Bryan, Prosecuting Solicitor preferred a charge under article 144 of the C.C.R.C. which reads "For that he at Harbin in February 1929, being a public officer, did suppress and abandon certain documents which had been taken into official custody by him". In spite of this, however, Deputy Stevens held that a prima facie case had not been established and Beliatsky was accordingly remanded.

2/19/29
"filed also per
"order with
Rec'd 2/19/29
D. S. *W. Deaconay*

A/D.C.I.

HR 1929
19.2.29
19.2.29

SHANGHAI MUNICIPAL POLICE
C. I. D. REGASTHT
In P.D. 44
Date...18.2.29...
Shanghai, 1929

(C.I.D.) Office Notes

A/D.C.I.

With reference to the telegram from Jun Chor Ban, Chief of the C.I.D. of the Harbin Police requesting the arrest of K. Mikhail Beliatsky travelling to Shanghai in the s.s. "Dairen Maru", received on February 15, I.C.S. Makhlaevsky was detailed to locate and watch the man on the arrival of the vessel at the Whangpoo Wharf. On the arrival of the latter officer at the wharf at 4:10p.m. on February he found the vessel had arrived some 15 minutes earlier and on his going on board found Beliatsky already in the custody of two Japanese Consular Police.

Apparantly the arrival of the latter officers was due to a telegram received by the Japanese Consulate from the Captain of the "Dairen Maru" who in turn had received a wireless message from Van Chor Ban at Dairen: the latter having pursued Beliatsky from Harbin to Dairen but failed to catch the "Dairen Maru" before it left. A telegram similar to that received by the Municipal Police was also received by the French Police.

After remaining on board until 6p.m. the two Japanese Consular Police left the ship without clearly defining their intentions and the Captain requested D.S. Duncan, who had arrived on the scene, to wait until he communicated with the manager of the D.K.K.. The latter arrived about half an hour later and after consulting with the Captain until 8p.m. informed D.S. Duncan that the Japanese Consular Police would come on board soon to take Beliatsky into custody. At 9p.m. they had not arrived and the Captain ordered Beliatsky to leave the ship.

About 8 p.m., however, Det. Pararoff of the Harbin Police, who is at present in Shanghai in connection with another case, and D.S. Ovsiannikoff arrived on board and to these officers Beliatsky repeated a confession he had previously made to D.S. Duncan and I.C.S. Makhlaevsky to the effect that he had

(C.I.D.) Office Notes

absconded from Harbin through fear of being arrested for the falsification of passports whilst employed in the Passport Office at Harbin. In consequence of this confession it was decided to detain the accused and he was accordingly taken to Central Station. He has also been identified by Det. Baranoff as having been employed in the Passport Office at Harbin for three and a half years.

The accused was arraigned before the Provisional Court this a.m. when an application was made by D.S. Duncan through Mr. Bryan to have him detained in custody pending the arrival in Shanghai of Van Chor Bar who is expected on the afternoon of February 18. The application was granted and the accused ordered to be kept in custody pending the arrival of a representative of the Harbin Police.

A. Robertson

D.S.

J.P.R.

16:2:29

A.C. (Pd)
I appreciate your effort
in this case
on 17/2

Noted A.R.

Det. Insp. Robertson,

Please note a/c D.C. Is remarks.

J.P.R.
18:2:29.

收件
RECEIVING

中國電報局

本局號數
JOURNAL NO.

THE CHINESE TELEGRAPH ADMINISTRATION

局
OFFICE
14472

由	到
From	To
15.2	19
Time	Time
AM 10	AM 10
By	By
REMARKS	
SFO	
原來 56 87 TELEGRAM NO.	電傳號
43-6003	CLASS
0600	AM
DATRAN 19 12 278	
點	分
H	M
WORDS	

INSPECTOR DETECTIVE SERVICE ENGLISH POLICE
SHANGHAI

PLEASE DATAIN NICHAIL BELIATSKY PASSENGER
BAIRENMARU ARRIVING SHANGHAI TODAY UNTIL MY
ARRIVAL DESCRIPTION BLACK OVERCOAT HIGH BOOTS
CARRYING BROWN PORTFOLIO LEAVING TOMORROW
INSPECTOR HARBIN DETECTIVE POLICE VANCHENBAK

譯 哈爾濱警察局偵探長范誠培譯電來電

上海英捕房偵探長 請拘留今日(十一日)來大連丸
抵滬之密克爾貝連次基至余到上海後為止
貝連次基穿黑色大衣長統皮鞋 携梭色皮包
余于明日離哈爾濱

上 海 電
CHINESE TELEGRAPH AD

電報號數
TELEGRAM N.

收報人名
Addressed to

電報號數
Msg. No.

14472
Inspector Detective
Service English Police

If this telegram is not intended for you, please
return it to ...

(C.I.D.) Office Notes

February 16, 1929

A/D.O.L.

On receipt of the attached telegram requesting the arrest of one Michail Beliateky travelling to Shanghai in the S.S. Dairen Maru from the Harbin Police, I.O.S. Makhlaevsky was despatched to the Wangpoo Wharf to await the arrival of the said vessel with instructions to locate the man and watch where he went. A similar telegram was also received by the French Police. On the arrival of I.O.S. Makhlaevsky at the Wangpoo wharf he found the vessel had already arrived and the subject of the telegram in the custody of two Japanese Consular Police who however left at 6 p.m. without taking the man with them. After the latter left the captain of the ship asked D.S. Duncan and I.O.S. Makhlaevsky to wait while he communicated with the manager of the D.K.K. who arrived about half an hour later and after consulting with the captain until 8 p.m. informed D.S. Duncan that the Japanese Consular Police would arrive soon and take the man into custody. At 9 p.m. the Consular Police had not arrived and the Captain apparently thinking they were not coming ordered the accused to leave the ship. Since the accused, however, had already confessed to the Municipal Police Officers that he had absconded from Harbin where he had falsified certain passports he was taken to Central Station and detained. He has been identified by Det. Baranoff of the Harbin Police who is in Shanghai at present in connection with another case.

February 16, 1929

A/D.C.I.

On receipt of the attached telegram requesting the arrest of one Michail Beliatesky travelling to Shanghai in the S.S. Dairen Maru from the Harbin Police, I.O.S. Makhlaevsky was despatched to the Whangpoo Wharf to await the arrival of the said vessel with instructions to locate the man and watch where he went. A similar telegram was also received by the French Police. On the arrival of P.O.S. Makhlaevsky at the Whangpoo wharf he found the vessel had already arrived and the subject of the telegram in the custody of two Japanese Consular Police who however left at 6p.m. without taking the man with them. After the latter left the captain of the ship asked D.S. Duncan and P.O.S. Makhlaevsky to wait while he communicated with the manager of the D.K.K. who arrived about half an hour later and after consulting with the captain until 8 p.m. informed D.S. Duncan that the Japanese Consular Police would arrive soon and take the man into custody. At 9 p.m. the Consular Police had not arrived and the Captain apparently thinking they were not coming ordered the accused to leave the ship. Since the accused, however, had already confessed to the Municipal Police Officers that he had absconded from Harbin where he had falsified certain passports he was taken to Central Station and detained. He has been identified by Det. Baranoff of the Harbin Police who is in Shanghai at present in connection with another case.

Case or
File No.

19001

.....16.2.1929.

Accused. Michael Bialish.

Charges (briefly). Malicious passage.

Detectives (Foreign and/or Chinese). D.S. Robertson

Station.

Serial

Date of first hearing.

16.2.29

Date and time remanded to for appearance of Harbin Miss.

Accused in custody or on bail. Custody

Judge and S.C. Deputy.

Shen & Stevens

Court Inspector.

Wilson

Extract from Shanghai Provisional Court Register for Thursday, 7th March 1929.

Register No. 2/79001 Station Central Deputy Mr. Stevens Judge Mr. Chen

Further Charges

For that he at the same time and place did fraudulently alter a passport, to wit, passport No. 23641. Contrary to Article No. 220 of the G.G.R.C.

For that he at the same time and place did counterfeit certain seals, to wit, the seals of the Harbin Authorities. Contrary to Article No. 224 of the G.G.R.C.

Proceedings

Mr. Bryan appeared for the Police.

Mr. Bryan:- In this case the Harbin Authorities are asking for the extradition of the accused. Since the last hearing Mr. Wong the detective from Harbin has been there and has now returned with a despatch warrant and the report of the investigating committee and also with evidence to prove a case against the accused. The Court will note that two additional charges of (1) Forgery of Passports and (2) Forgery of Seals, have been preferred against the accused.

Witness (Wong Ching Yung):- I have here a true passport and a forged one (Handed to the Judge). The accused has used a chemical to take out the Russian writing originally on the passport and has substituted other writing. However, he has been unable to alter the Chinese characters and consequently the Russian and Chinese writing on the passport does not agree. (In reply to the Deputy) The seals are only on the passport issued to the holder, not on our duplicates. The old passports should be stamped when they are out of date. The passports are in three parts, the first part is now issued to the holder, the third part is retained by us for reference and the second part is sent on to our higher authorities. I only have the first and third parts in Court today.

Deputy:- If the third part is not here we cannot compare the seals etc., The two parts you have are no use for comparison.

Witness:- All of the two parts are numbered and these can be compared.

Deputy:- I know they are numbered but the photographs are different and there is no evidence to show that a forgery has been

Extract from Shanghai Provisional Court Register for

192

Register No.	Station	Deputy Mr.	Judge Mr.
--------------	---------	------------	-----------

Case No. 2/79991.

Case No. 10.

committed.

Witness:- It will be noticed that in this particular passport the Russian writing states 21 years and the Chinese states 26 years, also the names are different.

Deputy:- I know that the passport does not compare with the stub but there is nothing to show that it has anything to do with the stub.

Witness:- If you compare the names it will be noticed that the Chinese names agree but the Russian do not.

Mr. Bryson:- I do not think Your Honour understands, if you read this statement the matter will be clear. (Spoke to the Deputy).

Deputy:- What is there to show that the alleged forged portion was ever connected with the portion in the book? If you had the third portion here it would be possible to compare them.

Witness:- Here is the first and third portion but the middle portion is missing. It will be noticed that the numbers agree. When the time for the passport to expire had passed a new passport was issued to the original holder and the accused took the old one and altered the photograph and Russian writing. If a man did not hold a passport he could not be issued with one until he had a guarantor but if he had an old one he would be issued with a new one. These passports have to be renewed each year. If a man wanted a passport and he obtained a guarantor the suitability of this guarantor would have to be fully investigated by the Police before the passport would be issued. Thus a man who could not get a guarantor could obtain one of these out of date passports that had been altered and thus obtain a new one. Out of these two seals and two chops, one stamp and chop is genuine and the other false. The passport office is only issued with one chop and one stamp. The accused had these made.

Deputy:- Now, what proof have you that the accused is the

Extract from Shanghai Provisional Court Register for

192

Register No. _____ Station _____ Deputy Mr. _____ Judge Mr. _____

Case No. 2/7923B.

Trans. No. 11.

man responsible for this?

Witness:- Here is a despatch warrant sent by the Harbin authorities.

Deputy:- This despatch warrant does not prefer any charge against the accused, if the translation is correct.

Witness:- In the despatch is stated what has been discovered and the proof warranting the extradition of the accused.

Deputy:- This Court must have some specific guarantee that the accused will be tried on the charge for which he is extradited. He cannot be extradited on one charge and tried on another.

Witness:- This will not be done.

Decision

Indemnament by the Judge:-

Accorded to be handed to Director Wong Tsung Yung to bring back.

Indemnament by the Deputy:-

In order that the subversive influence from without may not compromise the traditional political neutrality of this Settlement which has long secured a proper measure of protection to all law-abiding inhabitants regardless of their political creed or party affiliations, it has become the established practice of this Court in the absence of any agreement on the subject between the higher authorities, to grant an application for extradition only after the extra-settlement authorities requesting the surrender have applied for it with a despatch warrant in proper form and bearing the seal of a responsible official. This warrant must identify the person wanted, charge him with a recognized offence against the recognized law of China beyond the jurisdiction of this Court and be accompanied by sufficient evidence to establish a prima-facie case of guilt.

When this accused was before the Court on Friday, February 16th and 19th respectively these requirements had not been complied with. The case was remanded twice to give the Harbin authorities a reasonable time in which to file a proper despatch warrant and prefer a recognized charge.

A recognized charge has not been preferred by the Harbin authorities nor is the evidence submitted sufficient to constitute a prima-facie case of guilt.

The prisoner shall be released from custody.

S.S.B.